

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LANCE E. SPEAKE,

Plaintiff,

v.

HIGH DESERT STATE PRISON, et al.,

Defendants.

Case No. 2:11-cv-01653-GMN-PAL

ORDER

(Mot for Relief – Dkt. #38)

Before the court is Defendants' Motion for Relief from Court Order (Dkt. #36) (Dkt. #38) filed December 23, 2014.

The court entered a Discovery Plan and Scheduling Order (Dkt. #36) on September 17, 2014. The order set the deadline for filing dispositive motions for January 12, 2015, and also set a settlement conference on January 14, 2015. Defendants advise that the video conferencing equipment to be used for the settlement conference is only available to the NDOC to use on Tuesdays and Fridays, and the settlement conference is scheduled on a Wednesday. Defendants therefore request for the settlement conference to be continued to the next available Tuesday or Friday. Defense counsel also request an extension of the deadline to submit the settlement conference statement indicating counsel will be out of the country and unavailable from December 26, 2014 through January 5, 2015.

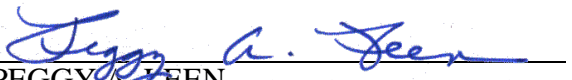
Defendants also request an extension of the deadline for filing dispositive motions which is currently due January 12, 2015. This date is before the settlement conference date. Defendants believe that it would be beneficial to all concerned to set the deadline after the settlement conference date as the settlement conference may eliminate the need for both parties to file any dispositive motions.

1 The settlement conference in this case was scheduled in an order entered September 17,
2 2014, yet defense counsel did not file this motion advising the court of the conflict with video
3 conferencing availability for more than 3 months. Surely defense counsel was aware of his own
4 plans to be out of the country well before the motion was filed. The delay in filing this motion
5 deprives the court of an opportunity to make effective use of its available dates for settlement
6 conferences as other parties cannot be expected to be available on such short notice.
7 Additionally, counsel for defendants gives no reason for the court to believe a settlement
8 conference will be productive and alleviate the need for dispositive motions. Nevertheless, as it
9 is obvious defense counsel is not prepared to submit a timely settlement conference statement or
10 file a timely dispositive the court will reluctantly grant the request for a modest extension of the
11 deadlines.

12 **IT IS ORDERED** that:

- 13 1. The settlement conference currently scheduled for January 14, 2015, at 9:30 a.m., is
14 **VACATED** and **CONTINUED** to **1:30 p.m., January 27, 2015**. The confidential
15 settlement statements currently due January 7, 2015, shall be continued and due to
16 chambers no later than **4:00 p.m., January 20, 2015**.
- 17 2. The deadline for filing dispositive motions is continued to **February 3, 2015**.

18 DATED this 31st day of December, 2014.

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21 PEGGY A. LEEN
22 UNITED STATES MAGISTRATE JUDGE
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